IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6502 OF 2004

Ajimulla Abdul Ansari @ Mansur ...Petitioner

Versus

Bhiwandi Nizampur Municipal

Corporation ...Respondent

.....

Mr.U.R.Mankapure for Petitioner.

Mr.Nitin Jamdar for Respondent.

.....

CORAM: A.M.KHANWILKAR, J.

AUGUST 18, 2004.

P.C.

1. Heard Counsel appearing for the parties.

2. I see no reason to take a different view than the one taken by the Appellate Court in deciding the injunction application against the Petitioner. The reason recorded in Para 15 is cogent for rejecting the relief as claimed by the Petitioner and needs no interference. No fault can

be found with the view taken by the Appellate Court.

3. To get over this position, Counsel for the Petitioner orally submits that the earlier Suit instituted by the Petitioner was only in respect of suit house No.4, whereas, the present Suit is in respect of suit House No.3 as well as No.4. However, no such grievance was made before the Court below, nor any express averment is made in the Writ Petition in this behalf, nor any ground in this behalf has been taken in the memo of Writ Petition.

4. I find no substance in this Petition. Rejected.

A.M.KHANWILKAR, J.